

IN RE: PETITION FOR SPECIAL HEARING  
NE/S of Gunder Avenue, 100'  
NW of Gunder Place  
(6922 Gunder Avenue)  
15th Election District  
5th Councilmanic District

Kent Edel  
Petitioner

BEFORE THE  
DEPUTY ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 88-497-SPH

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve temporary living quarters in an accessory structure, as more particularly described in Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petition were Samuel T. Edel, the Petitioner's father; and Frank S. Lee, a registered professional property line surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 6922 Gunder Avenue, is zoned D.R. 5.5 and is improved with a one story frame dwelling with detached garage. The Petitioner testified that his father, who is on a fixed moderate income, would like to move into an existing room above the garage, which is equipped with electricity only. The elder Mr. Edel will use the kitchen and bathroom facilities in the main dwelling, which has only two bedrooms, one of which is small and is used for storage space and work room for the Petitioner. The Petitioner's father would prefer to live above the garage to maintain his independence and to be less intrusive to his son, who is to be married soon. The elder Mr. Edel currently resides with his daughter, but must move because she is expecting a child and needs the room Mr. Edel now uses for the new baby.

100' NE/S of Gunder Ave. (6922 Gunder Avenue)  
15th Election District  
5th Councilmanic District

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The Petitioner testified that there will be no structural changes required as a result of this request if granted.

The Petitioner seeks relief pursuant to Sections 500.1 and 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

In the past, the Zoning Office has permitted "in-law apartments" as a result of the demographic change and the expanding needs of the elderly. While the request here is a little different in that the living unit is not attached to the main dwelling, the Petitioner is not requesting to add a bathroom and/or kitchen facilities to the garage, and has agreed to limit his request to his father living there only so long as his needs require him to do so. There can be no question that the reason for having the Petitioner's father live with him is for the family's comfort and necessity. It is hoped and expected in our society that children return to their parents the love and security that parents initially provide to them. This is exhibited best in circumstances such as this, where the parent is able to remain independent and provide services for himself.

It is clear from the testimony that the use proposed would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public good.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 3rd day of June, 1988 that the Petition for Special Hearing to approve temporary living quarters in an accessory structure, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions:

-2-

1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Within thirty (30) days from the date of this Order, the Petitioner must add a covenant to his Deed, restricting the use of the room above the garage to the proviso that such use shall terminate either at the death of said relative or upon the sale of the property, whichever occurs first. No subsequent purchase for any reason or purpose without a subsequent special hearing. A copy of the covenant shall be submitted to the Zoning Commissioner's Office for our records within forty-five (45) days of the date of this Order.

3) There shall be no bathroom or kitchen facilities added to the detached garage.

ANN M. NASTAROWICZ  
Deputy Zoning Commissioner  
for Baltimore County

ANN:bjs

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#### "DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 2, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 2, 1988.

THE JEFFERSONIAN,

Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein at Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland on: June 17, 1988 at 11:00 a.m.  
Special Hearing Temporary living quarters in an accessory structure.  
Case number: 88-497-SPH  
100' NE/S of Gunder Avenue  
15th Election District  
5th Councilmanic District  
Petitioner: Kent Edel  
Hearing Date: Friday, June 17, 1988 at 11:00 a.m.

1 ROBERT HAINES  
Zoning Commissioner of Baltimore County  
June 2, 1988

#### CERTIFICATE OF PUBLICATION

Office of

#### THE AVENUE NEWS

442 Eastern Blvd.  
Baltimore, Md. 21221

June 2, 1988

THIS IS TO CERTIFY, that the annexed advertisement of FOR 2002 REZONING AND SPECIAL HEARING CASE NO. 88-497-SPH, was published in THE AVENUE NEWS, a weekly newspaper published in Baltimore County, Maryland once a week for successive weeks before the 3rd day of June, 1988, that is to say, the same was inserted in the issues of 6/2/88, 6/9/88, 6/16/88, 6/23/88, 6/30/88, 7/7/88, 7/14/88, 7/21/88, 7/28/88, 8/4/88, 8/11/88, 8/18/88, 8/25/88, 9/1/88, 9/8/88, 9/15/88, 9/22/88, 9/29/88, 10/6/88, 10/13/88, 10/20/88, 10/27/88, 11/3/88, 11/10/88, 11/17/88, 11/24/88, 12/1/88, 12/8/88, 12/15/88, 12/22/88, 12/29/88, 1/5/89, 1/12/89, 1/19/89, 1/26/89, 2/2/89, 2/9/89, 2/16/89, 2/23/89, 2/29/89, 3/6/89, 3/13/89, 3/20/89, 3/27/89, 4/3/89, 4/10/89, 4/17/89, 4/24/89, 5/1/89, 5/8/89, 5/15/89, 5/22/89, 5/29/89, 6/5/89, 6/12/89, 6/19/89, 6/26/89, 7/3/89, 7/10/89, 7/17/89, 7/24/89, 7/31/89, 8/7/89, 8/14/89, 8/21/89, 8/28/89, 9/4/89, 9/11/89, 9/18/89, 9/25/89, 10/2/89, 10/9/89, 10/16/89, 10/23/89, 10/30/89, 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**DECLARATION**

THIS DECLARATION, made this 26th day of August 1988, by KENT W. EDEL and CYNTHIA D. ADKINS, hereinafter called "Declarants".

WHEREAS, the Declarants are the owners, in Fee Simple, of the real property known as 6922 GUNDER AVENUE, by Deed dated January 30, 1987 and recorded among the Land Records of Baltimore County in Liber SM No. 7470, folio 502.

WHEREAS, the Declarants filed a Petition for Special Hearing before the Zoning Board for Baltimore County, Case No. 88-497-SPH, requesting a special exception to approve a temporary living quarter in an accessory structure.

WHEREAS, the deputy zoning commissioner, through her order, required a restriction to be placed on the Declarants' property and, therefore, this Declaration is being filed with the Land Records.

NOW, THEREFORE, Declarants hereby declare that the aforesaid property shall be subject to the following restrictions and conditions hereinafter set forth.

1. The room above the garage on this property may be used by SAMUEL T. EDEL and no other individuals, as his residence. His right to live in the room above the garage shall terminate either at the death of SAMUEL T. EDEL or upon the sale of the property, whichever occurs first. No subsequent purchaser shall maintain the temporary living quarters for any reason or purpose without a subsequent special hearing.

WITNESS the hands and seals of said Declarants

Test: Kent W. Edel (SEAL)  
Cynthia D. Adkins (SEAL)  
Declarants

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 26th day of August, 1988, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared KENT W. EDEL and CYNTHIA D. ADKINS, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the Declaration to be their act, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires: \_\_\_\_\_

BRENNAN & BRENNAN  
Attorneys at Law, P.A.  
825 Eastern Blvd.  
BALTIMORE, MD 21201

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3534

J. Robert Haines  
Zoning Commissioner

April 22, 1988

**NOTICE OF HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing  
CASE NUMBER: 88-497-SPH  
100' N/W of GUNDER PLACE on NE side of GUNDER AVENUE  
(6922 GUNDER AVENUE)  
15th Election District - 6th Councilmanic District  
Petitioner(s): Kent Edel  
HEARING SCHEDULED: FRIDAY, JUNE 17, 1988 at 11:00 a.m.

Special Hearings Temporary Living Quarters in an accessory structure.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
cc: File

BRENNAN AND BRENNAN  
ATTORNEYS AT LAW, P.A.  
825 EASTERN BOULEVARD  
ESSEX, BALTIMORE, MD. 21201

JAMES C. BRENNAN  
ALFRED L. BRENNAN, JR.

October 4, 1988

Ann M. Nastarowicz,  
Deputy Zoning Commissioner  
for Baltimore County  
Office of Planning & Zoning  
Towson, Maryland 21204

Re: PETITION FOR SPECIAL HEARING  
NE/S GUNDER AVENUE, 100' NW  
of GUNDER PLACE  
15th Election District; 6th  
Councilmanic District  
Case No. 88-497-SPH

Dear Ms. Nastarowicz:

Enclosed please find a Declaration that has been recorded among the Land Records of Baltimore County pursuant to your Order dated June 30, 1988. If there is any further information that you need, please do not hesitate to contact me.

Very truly yours,  
Alfred L. Brennan, Jr.  
ALFRED L. BRENNAN, JR.

ALB,jr/bg  
Enclosure

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3534

J. Robert Haines  
Zoning Commissioner

Date: 6/14/88

Mr. Kent Edel  
8922 GUNDER AVENUE  
BALTIMORE, MARYLAND 21220

Re: Petition for Special Hearing  
CASE NUMBER: 88-497-SPH  
100' N/W of GUNDER PLACE on NE side of GUNDER AVENUE  
(6922 GUNDER AVENUE)  
15th Election District - 6th Councilmanic District  
Petitioner(s): Kent Edel  
HEARING SCHEDULED: FRIDAY, JUNE 17, 1988 at 11:00 a.m.

Dear Mr. Edel:

Please be advised that \$95.05 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 52730

DATE: 6/17/88 ACCOUNT: 6117188

AMOUNT: \$ 95.05

RECEIVED FROM: Kent Edel

FOR: P. Edel 6/17/88

8056\*\*\*\*\*95548 3174 88-497-SPH

Validation or Signature of Cashier

and post set(s), there for each set not

mailed

INES  
Stationer of  
city

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

FROM: P. David Fields, Director  
Office of Planning and Zoning

SUBJECT: Zoning Petitions 88-477-SPH, 88-478-SPH, 88-489-SPH, 88-494-SPH, 88-497-SPH

Date: May 16, 1988

In view of the subject of these petitions, this office offers no comment.

PDF/jat

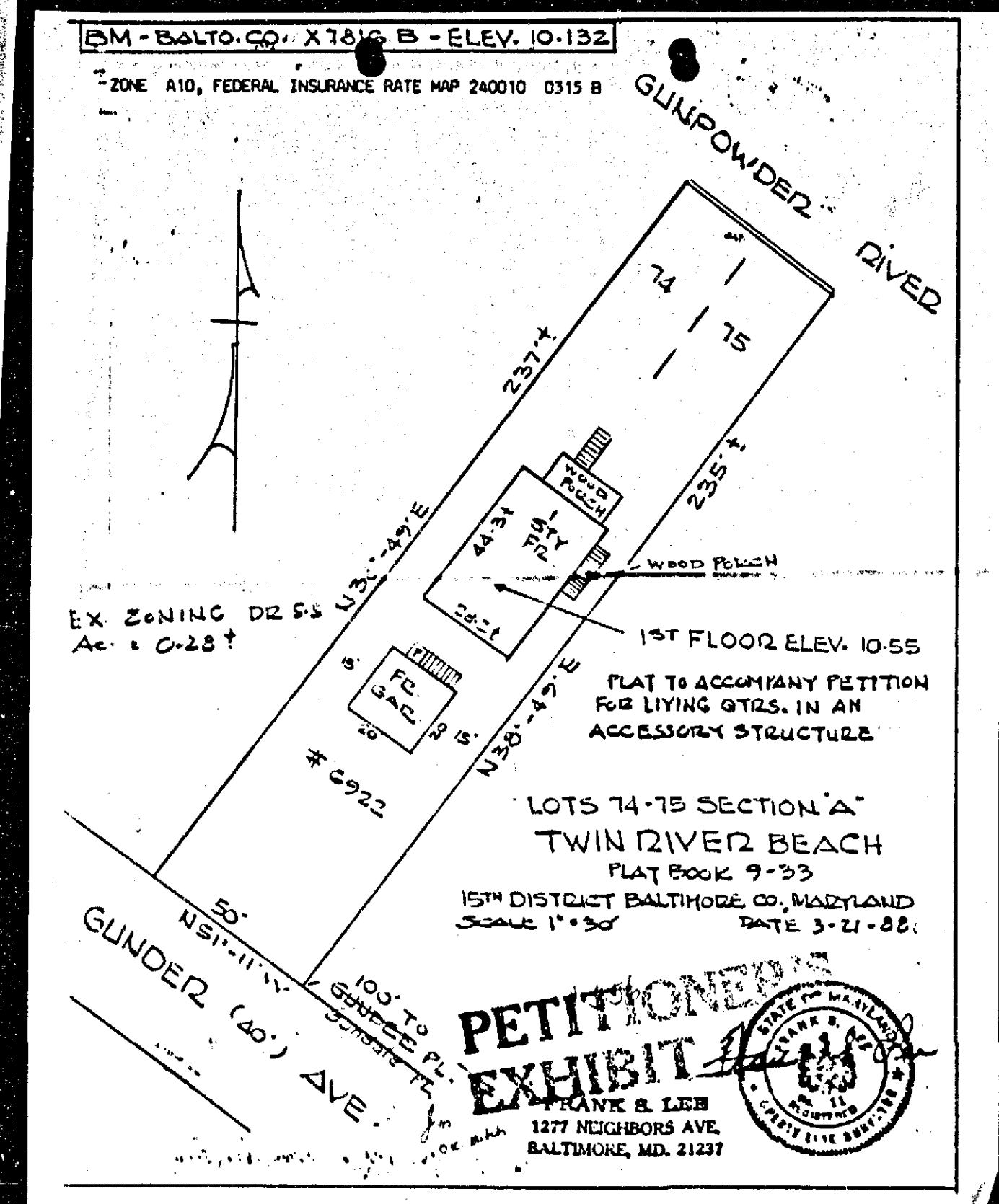
cc: Shirley Hess, People's Counsel  
J. G. Howell  
Zoning Office

Very truly yours,  
P. David Fields  
P. David Fields, Director  
Office of Planning and Zoning

cc: Mr. Kent Edel  
5/18/88/jf

RECEIVED  
MAY 17 1988  
ZONING OFFICE

CPS-008



Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building, Suite 408  
Towson, Maryland 21204  
494-3534

May 10, 1988

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 348, 349, 350, 351, 352, 353, 355, 356 and 357.

Very truly yours,  
Stephen E. Weber  
Stephen E. Weber, P.E.  
Assistant Traffic Engineer

SEW/RF/pml-b

88-497-SPH

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 4th day of April, 1988.

Petitioner: Kent Edel  
Petitioner's Attorney: \_\_\_\_\_

Received by: James E. Dyer  
Chairman, Zoning Plans Advisory Committee

Baltimore County  
Fire Department  
Towson, Maryland 21204-2536  
494-4500

Paul H. Reincke  
Chief

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

April 14, 1988

Re: Property Owner: Kent Edel  
Locations: 100' N/W GUNDER PL. on N/E side of GUNDER AVENUE  
Item No.: 356  
Zoning Agenda: Meeting of 4/5/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

( ) 2. A second means of vehicle access is required for the site.

( ) 3. The vehicle dead end condition shown at \_\_\_\_\_ EXCEEDS the maximum allowed by the Fire Department.

( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

( ) 6. Site plans are approved, as drawn.

( ) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John F. O'Neill Noted and Approved: John F. O'Neill  
Special Inspection Division Fire Prevention Bureau

/s/

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

May 27, 1988

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Mr. Kent Edel  
6922 GUNDER AVENUE  
BALTIMORE, MARYLAND 21220

RE: Item No. 356 - Case No. 88-497-SPH  
Petitioners: Kent Edel  
Petition for Special Hearing

Dear Mr. Edel:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,  
James E. Dyer  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JFD:dt  
Enclosures